

AUSTRALIAN CAPITAL TERRITORY

CRIMES ORDINANCE 1974

EXPLANATORY MEMORANDUM

No. 17 of 1974

This Ordinance will amend the Crimes Act 1900 of New South Wales, as amended, in its application to the Australian Capital Territory, to extend the criminal jurisdiction of the Court of Petty Sessions of the Territory to dispose of indictable offences summarily, and to abolish corporal punishment and confinement in irons.

2. The principal objectives of the Ordinance are as follows:
- to relieve the Supreme Court of criminal matters where it is appropriate and proper to dispose of them summarily in the Court of Petty Sessions, and
 - formally to abolish corporal punishment and confinement in irons which have not been used for many years.
3. The Ordinance will permit the Court of Petty Sessions to try a limited number of indictable offences summarily without the consent of the accused and to try any indictable offence the penalty for which is ten years imprisonment or less if the accused consents. The circumstances in which such cases may be tried summarily are specific in the Ordinance and the penalty that the Court may impose is limited.

Offences which the Court may deal with summarily without consent of the accused (section 476).

4. This procedure applies to those offences set out in the schedule to this memorandum where the subject matter of the charge or the value of the property involved does not exceed \$500. The Court may deal with the matter summarily if the evidence for the prosecution is, in its opinion sufficient to put the accused on trial, but it appears to the Court that the matter may properly be disposed of summarily.
5. The maximum sentence that may be imposed upon conviction is six months' imprisonment or a fine of \$500.

Offences which may be dealt with summarily with the accused's consent (Section 477)

6. This procedure applies to offences punishable by imprisonment for ten years or less (section 478) where the subject matter of the charge or the value of the property involved does not exceed \$2000, except in the case of a motor vehicle where there is no limit imposed with respect to value. The Court may deal with the matter summarily if the evidence for the prosecution is, in its opinion, sufficient to put the

accused on trial but it appears to the Court that the matter may properly be disposed of summarily, and the accused consents to this course.

7. The maximum sentence that may be imposed upon conviction is two years' imprisonment or a fine of \$2000 or, where the accused is under 16 years of age, six months' imprisonment or a fine of \$500.

Certificate of dismissal

8. If the Court has heard and determined a charge summarily under either section 476 or 477 and has dismissed the charge, it shall, if the accused so requests, give him a certificate of dismissal (section 480). Summary conviction or dismissal of a charge heard summarily operates as a bar to subsequent indictment for the same cause (section 481).

Corporal punishment and confinement in irons

9. The Ordinance repeals those sections of the Crimes Act permitting corporal punishment and punishment by confinement in irons (sections 4, 5, 6 (b), 8 and 13 of the Ordinance). It also repeals the provisions making hard labour a compulsory element of penal servitude (section 7 of the Ordinance) and the provisions permitting commutation of death sentences which were recently abolished in the Territory (section 10 of the Ordinance).

Schedule of offences triable summarily without the accused's consent (Sub-section 476 (2)).

- simple larceny
- stealing any chattal, money or valuable security from the person of another,
- stealing cattle or killing with intent to steal (s. 126)
- unlawfully using another person's cattle (s. 131)
- stealing dogs (s. 132)
- taking money to restore dog to owner (s. 133)
- stealing fixtures (s. 139)
- stealing or damaging trees (s. 140)
- stealing gold or ore (s. 144)
- stealing property in dwelling house (s. 148)
- stealing goods in process of manufacture (s. 150)
- disposing of entrusted goods (s. 151)
- stealing from ship in port (s. 152)
- obtaining property by false pretences (s. 179)
- malicious injury to real or personal property (s. 247)
- attempting to commit any of the above offences.